

INTRODUCTION

- [1] This decision determines an application filed by the Landlord's representatives (the "Representatives") with the Residential Tenancy Office (the "Rental Office") under the *Residential Tenancy Act* (the "Act").
- [2] The Tenant passed away on April 24, 2023 (the "Deceased"). The Tenant is the Deceased's estate.
- [3] The Landlord seeks an Order for eviction; rent owing in the amount of \$1,880.32; authorization to dispose of the Unit; and authorization to sell the Deceased's vehicle.

DISPOSITION

- [4] The Unit is vacant and the tenancy has ended.
- [5] The Tenant must pay the Landlord \$1,880.32 by the timeline below.
- [6] The Landlord may dispose of the Unit on or after November 4, 2025. The Landlord may also sell the vehicle in accordance with section 43 of the *Act* on or after November 4, 2025.

BACKGROUND

- [7] The Unit is a mobile home owned by the Tenant that is located on a mobile home site (the "Site"), owned by the Landlord. The Site is located in a mobile home park (the "Park").
- [8] The Tenant and the former owner entered into a tenancy in March of 1998.
- [9] The latest signed copy of the tenancy agreement was a monthly agreement dated January 12, 2013. No security deposit was required. The rent was \$114.71 in January 2013.
- [10] In 2024 the rent was \$132.14 and in 2025 the rent was \$135.17.
- [11] On December 16, 2024 the Landlord purchased the Park.
- [12] On May 14, 2025 the Representatives taped a *Form 4(A) Eviction Notice* effective June 4, 2025 (the "Notice") for non-payment of rent, in the amount of \$1,097.27 to the Unit's door.
- [13] On August 28, 2025 the Representatives filed a *Form 2(B) Landlord Application to Determine Dispute* (the "Application") with the Rental Office requesting an Order for eviction, rent owing and authorization to dispose of and sell the Unit and the Tenant's vehicle.
- [14] On September 26, 2025 the Rental Office emailed the Representatives notice of a teleconference hearing (the "Notice of Hearing") scheduled for October 21, 2025. On October 3, 2025 the Representatives taped a copy of the Notice of Hearing to the Unit's door.
- [15] The evidence package includes 33-pages of documents.
- [16] On October 21, 2025 the Representatives joined the teleconference hearing for determination of the Application. The Tenant does not have a representative. The Representatives stated that the Deceased's next of kin did not want to represent the Tenant and the evidence supports that finding.

ISSUES

- A. When does the tenancy end and does the Tenant owe rent to the Landlord?
- B. Can the Landlord dispose of the Unit and sell the Tenant's vehicle?

ANALYSIS**Issue A.**

- [17] The Representatives stated that the Landlord purchased the Park knowing about the Deceased's passing. The Representatives provided evidence regarding the efforts that were made to find a personal representative of the Tenant. The Deceased's family member was unwilling to represent the Deceased or take possession of the Unit. The Representatives stated that the Deceased's family member removed all items of value from the Unit.
- [18] Pre-authorized rent payments continued until August 2024. No further rent payments were made.
- [19] The Representatives stated that the reason for the delay between the last payment of rent and the Notice being served was because they were trying to figure out the process, while also taking over ownership of the Park. The Representatives stated that after some internal discussions and assistance from the Rental Office, the Notice was finally posted to the Unit's door on May 14, 2025.
- [20] I note that the doctrine of frustration does not apply in cases related to a tenant's passing (see *N.P. v. Estate of N.K., 2016 SKORT 387*).
- [21] I find that the tenancy ended June 4, 2025, which was the effective date of the Notice. Despite the effective date on the Notice, I find that the Tenant's personal property, particularly the Unit and the vehicle remained on the Site.
- [22] Any personal representative of the Tenant was required to remove the personal property (including the Unit) under subsection 43(1), which states:
- A tenant is not entitled to leave the tenant's personal property in the rental unit after the tenancy agreement is terminated.*
- [23] Subsection 74(1) of the *Act* states:
- A landlord is entitled to compensation for a former tenant's use and occupation of the rental unit after the tenancy has been terminated.*
- [24] Subsection 1(o) of the *Act* defines rental unit as follows:
- Means living accommodation rented or intended to be rented to a tenant and, with respect to a person who rents or intends to rent a mobile home site for the person's mobile home, includes the mobile home site.*
- [25] The Deceased continued to use the Site as storage. Therefore, I find that the Deceased owes rent for storage fees to the Landlord, in the amount of \$1,880.32, calculated as follows:

Item	Amount
SEPT to DEC '24 (\$132.14 x 4 months)	\$528.56
JAN to OCT '25 (\$135.17 x 10 months)	\$1,351.76
Total	\$1,880.32

Issue B.

- [26] The Landlord seeks to dispose of the Unit, which is a mobile home. I note that applications and proceedings regarding disposal of mobile homes are distinct from other applications under the *Act*. Subsection 44(1) of the *Act* states:
- (1) *This section applies where*
 - (a) *a tenant vacated a mobile home in accordance with*
 - (i) *a notice of termination given by the landlord or the tenant,*
 - (ii) *an agreement between the landlord and tenant to end the tenancy,*
 - (iii) *an order of the Director terminating the tenancy or evicting the tenant; or*
 - (b) *a landlord has applied for an order under clause 85(1)(o) and the Director has made an order terminating the tenancy.*
- [27] I find that the mobile home is abandoned under subsection 44(1). However, in order to approve the disposal of the abandoned mobile home, the Landlord first must give notice to the Tenant. Subsections 44(2) and (3) state:
- (2) *A landlord shall not dispose of a tenant's abandoned mobile home without first notifying the tenant in writing of the landlord's intention to do so*
 - (a) *by registered mail sent to the tenant's last known mailing address;*
 - (b) *by sending a notice electronically where*
 - (i) *the notice is provided in the same or substantially the same form as the written notice,*
 - (ii) *the tenant has provided an electronic address for receipt of documents, and*
 - (iii) *it is sent to that electronic address; or*
 - (c) *by causing a notice to be published in a newspaper having general circulation in the community in which the mobile home park is located.*
 - (3) *The landlord may sell, retain for the landlord's own use or dispose of a tenant's abandoned mobile home in the circumstances described in subsection (1) beginning two months after the notices referred to in subsection (2) have been given, if the tenant has not made a claim with respect to the landlord's intended disposal.*
- [28] The Landlord provided evidence regarding the efforts to find a personal representative of the Tenant. The Deceased's family member was unwilling to represent the Deceased or taking possession of the Unit. The Deceased's family member removed all items of value from the Unit.
- [29] I note that there is no record in Prince Edward Island's *Royal Gazette* of an executor or administrator being appointed for the Tenant.
- [30] I find that the Landlord provided the Tenant with proper notice as required under the *Act*. On August 27, 2025 the Landlord provided public notice in the Eastern Graphic. Notice was also posted to the door of the Unit.
- [31] The Landlord also provided Personal Property Registry search results for the Deceased, which did not show any listed creditors (see subsection 44(4) of the *Act*).
- [32] I find that the Landlord may dispose of the Tenant's abandoned mobile home on or after November 4, 2025.
- [33] The Landlord is also requesting approval to sell the Tenant's vehicle.

[34] Subsection 43(11) of the *Act* states:

Where a tenant or owner does not take possession of personal property within the applicable period specified in subsection (4), the landlord may sell the personal property subject to the terms and conditions set by the Director.

[35] The Representatives stated that they are unsure if the vehicle is in working condition or has any value.

[36] I have reviewed the Landlord's evidence and I find that the Landlord may sell the Tenant's vehicle on or after November 4, 2025, subject to the obligations under section 43, including subsection 43(13) of the *Act*, which states:

Where personal property is sold under subsection (11), the landlord

(a) may keep from the proceeds of the sale the amount

(i) of the costs reasonably incurred by the landlord for the removal, storage and sale of the personal property, and

(ii) necessary to satisfy an order of the Director for compensation payable to the landlord by the tenant; and

(b) shall, at the earliest reasonable opportunity, deliver to the Director

(i) the proceeds of the sale, less the amount kept under clause (a), and

(ii) a written statement of account regarding the sale and distribution of the proceeds.

[37] As a result, the Application is allowed.

[38] As the Unit is vacant, no eviction order is required. The tenancy ended effective June 4, 2025.

[39] The Tenant must pay the Landlord \$1,880.32 by the timeline below.

[40] The Landlord may dispose of the mobile home on or after November 4, 2025 and the Landlord may also sell the vehicle on or after November 4, 2025 in accordance with section 43. The Landlord may sell the vehicle through private sale or public sale (including auction) in accordance with section 43 of the *Act*.

IT IS THEREFORE ORDERED THAT

1. The tenancy ended on June 4, 2025.
2. The Tenant must pay the Landlord \$1,880.32 by December 1, 2025.
3. The Landlord may dispose of the mobile home on or after November 4, 2025.
4. The Landlord may also sell the Tenant's vehicle in accordance with section 43 of the *Act* on or after November 4, 2025.

DATED at Charlottetown, Prince Edward Island, this 31st day of October, 2025.

(sgd.) Cody Burke

Cody Burke
Residential Tenancy Officer

NOTICE

Right to Appeal

This Order can be appealed to the Island Regulatory and Appeals Commission (the "Commission") by serving a Notice of Appeal with the Commission and every party to this Order within **20 days of this Order**. If a document is sent electronically after 5:00 p.m., it is considered received the next day that is not a holiday. If a document is sent by mail, it is considered served on the third day after mailing.